

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BRYAN DAMON PATTERSON,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION, *et al.*,

Defendants.

No. 1:22-cv-00138-JLT-BAM (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DISMISSING
PLAINTIFF'S FEDERAL CLAIMS WITH
PREJUDICE, DECLINING TO EXERCISE
SUPPLEMENTAL JURISDICTION OVER
THE STATE LAW CLAIMS, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THE ACTION

(Doc. 19)

The assigned magistrate judge screened the Second Amended Complaint and found Plaintiff failed to state a cognizable claim arising under federal law. (Doc. 19 at 6-14.) In addition, the magistrate judge determined leave to amend would be futile because Plaintiff failed to cure deficiencies previously identified by the Court “[d]espite being provided with the relevant legal standards.” (*Id.* at 16.) Therefore, the magistrate judge recommended the claims arising under federal law be dismissed with prejudice and the Court decline to exercise supplemental jurisdiction over the alleged state law claims. (*Id.* at 14-16.)

The Findings and Recommendations were served on Plaintiff and contained notice that any objections were to be filed within 14 days after service. (Doc. 19 at 16.) Plaintiff was also warned that “file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s factual findings’ on appeal.” (*Id.* quoting *Wilkerson v. Wheeler*, 772

1 F.3d 834, 839 (9th Cir. 2014).) On July 20, 2022, the Findings and Recommendations were
2 returned as “Undeliverable, RTS, Not Deliverable as Addressed Unable to Forward.” The Court
3 updated Plaintiff’s address—based upon information provided with his amended complaint filed
4 in April 2022— and reserved Findings and Recommendations on July 20, 2022. (Doc. 20.) To
5 date, no objections have been filed, and the extended deadline has expired.

6 According to 28 U.S.C. § 636 (b)(1)(C), this Court conducted a *de novo* review of the
7 case. Having carefully reviewed the entire matter, the Court concludes the magistrate judge’s
8 Findings and Recommendations are supported by the record and by proper analysis. Thus, the
9 Court **ORDERS**:

- 10 1. The Findings and Recommendations issued on July 7, 2022 (Doc. 19), are adopted
11 in full.
- 12 2. The federal claims in this action are **DISMISSED with prejudice**.
- 13 3. Supplemental jurisdiction over Plaintiff’s state law claims is declined, and the
14 state law claims are **DISMISSED without prejudice**.
- 15 4. The Clerk of the Court is directed to close this case.

16
17 IT IS SO ORDERED.

18 Dated: **August 30, 2022**


UNITED STATES DISTRICT JUDGE